

Amend Albury LEP 2010 - Revise Clause 7.5 - Development on or near the Murray River

Proposal Title : Amend Albury LEP 2010 - Revise Clause 7.5 - Development on or near the Murray River

Proposal Summary : Albury City Council seeks to amend the Albury LEP 2010 by replacing clause 7.5 - 'Development on or near the Murray River' with a new clause that is consistent with the Department's Model Clause for 'Development on river front areas' contained in the 'exhibited draft Murray Regional Strategy', and other recently published or exhibited LEPs within the Murray Region.

Clause 7.5 currently applies to the 'river front area' that is defined as land within 400 metres of the high bank of the Murray River within an RU1 Primary Production Zone, RU2 Rural Landscape Zone, E2 Environmental Conservation Zone and E3 Environmental Management Zone. The 400 metre river development setback standard is considered excessive by Council.

The main intent of the PP is to change the definition of 'river front area' so that clause 7.5 only applies to land within;

- 40 metres from the high bank of the Murray River in an R5 Large Lot Residential Zone or an urban release area;
- 100 metres of the high bank of the Murray River within an RU1 Primary Production Zone, RU2 Rural Landscape Zone, RU4 Primary Production Small Lots Zone, E2 Environmental Conservation Zone and E3 Environmental Management Zone.

The clause will no longer apply to the RE1 Public Recreation Zone or the RE2 Private Recreation Zone or to land between 100 metres and 400 metres of a rural or environmental zone.

PP Number : PP_2012_ALBUR_001_00 Dop File No : 11/22657

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions :
- 1.2 Rural Zones
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.1 Approval and Referral Requirements

Additional Information : That the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act, that an amendment to the Albury Local Environmental Plan 2010 to amend clause 7.5 should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Murray Catchment Management Authority
- NSW Department of Primary Industries - Fishing and Aquaculture

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

s117 Direction 2.1 Environmental Zones

Recommend that the DG can be satisfied:

5. that the inconsistency with s117 Direction 2.1 Environmental Protection Zones is justified on the basis that Council is inserting a new 'river front area' clause that is in accordance with the Department's Model 'river front area' clause as contained in the draft Murray Regional Strategy; and

6. that the planning proposal is consistent with all other s117 Directions or any inconsistencies are only of minor significance.

7. No further referral is required in relation to s117 Directions for the planning proposal in its current form.

Supporting Reasons :

1. The PP is considered routine, consistent with policy and exhibited regional strategy and requires public consultation because the amendment will alter land affected by the provisions of clause 7.5.

Panel Recommendation

Recommendation Date : 02-Feb-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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3. A public hearing is not required to be held into the matter by any person or body under

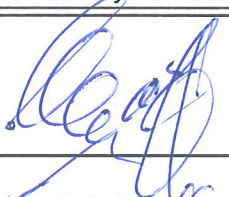
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section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____


Nest McGaffin

Date: _____

6.2.12